

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI

NANCY BURROUGHS,
1210 Pleasant Drive
Arnold, MO 63010,

Plaintiff,

VS.

JULIA WIEHARDT,
180 Dove Lane
Elkville, IL 62932,

Defendant.

[illegible]

NO:

PETITION

COUNT I

(Comparative Negligence)
Nancy Burroughs v. Julia Wiehardt

Now comes the Plaintiff, Nancy Burroughs, by and through her attorneys, Rich, Rich, Cooksey & Chappell, P.C., and for her cause of action against the Defendant, Julia Wiehardt, respectfully represents unto the Court as follows:

1. That the Plaintiff, Nancy Burroughs, is a citizen of Arnold, in the County of Jefferson, and the State of Missouri.
2. That the Defendant, Julia Wiehardt, is a citizen of Elkhart, in the County of Jackson, and the State of Illinois.
3. That the amount in controversy exceeds the sum or value of \$75,000.00, exclusive of costs interest and costs.
4. That jurisdiction of this Court is proper under 28 U.S.C. §1332, diversity of citizenship.
5. That this action properly lies in this district pursuant to 28 U.S.C.A. § 1391,

because the claim arose in this judicial district.

6. That on November 30, 2016, the Plaintiff, Nancy Burroughs, was operating a motor vehicle traveling Westbound on Highway 141, just east of the intersection with Arnold Crossroads, in Arnold, Missouri.

7. That on November 30, 2016, the Defendant, Julia Wiehardt, was operating a motor vehicle that was stopped at a stoplight facing Eastbound on Highway 141, at the intersection of Arnold Crossroads, in Arnold, Missouri.

8. That at said time and place, the vehicle operated by the Defendant, Julia Wiehardt, proceeded through the intersection of Highway 141 and Arnold Crossroads, and attempted to turn west onto Arnold Crossroads and struck the Plaintiff's vehicle.

9. At said time and place, the Defendant, Julia Wiehardt, committed one or more of the following acts of negligence and/or omissions which directly and proximately caused the collision to occur:

- a. The Defendant failed to keep a proper lookout for other vehicles then and there rightfully upon said roadway and particularly the vehicle of the Plaintiff;
- b. The Defendant drove her vehicle in such a manner as to cause it to strike the Plaintiff's vehicle;
- c. The Defendant failed to properly apply the brakes of her vehicle;
- d. The Defendant operated her vehicle at an excessive rate of speed which was greater than was reasonable and proper having regard for the traffic then and there upon said highway; and
- e. The Defendant failed to yield the right of way to approaching traffic.

10. As a direct and proximate result of one or more of the foregoing acts of negligence and/or omissions of the Defendant, Julia Wiehardt, the Plaintiff was injured in one or more of the following ways:

- a. The Plaintiff was made sick, sore, lame, disordered and disabled and suffered extensive injuries to her head, body, and limbs, both internally and externally;
- b. The Plaintiff received injuries to her head;
- c. The Plaintiff received injuries to her neck;
- d. The Plaintiff received injuries to her chest;
- e. The Plaintiff received injuries to her back;
- f. The Plaintiff received injuries to the soft tissues of the cervical and shoulder area, including the muscles, ligaments, tendons and nerves;
- g. The Plaintiff has expended money for necessary medical care, treatment and services and will be required to expend money for medical care, treatment and services in the future;
- h. The Plaintiff has suffered disability as a result of her injuries;
- i. The Plaintiff has experienced pain and suffering and will be reasonably certain to experience pain and suffering in the future as a result of the injuries; and
- j. The Plaintiff has lost money from the loss of wages and will suffer an impairment of future earning capacity.

WHEREFORE, the Plaintiff, Nancy Burroughs, prays judgment against the Defendant, Julia Wiehardt, for a fair and just award in excess of Seventy-five Thousand Dollars (\$75,000.00) plus costs of this suit.

Respectfully submitted,

/s/ Thomas C. Rich

BY: RICH, RICH, COOKSEY & CHAPPELL, P.C.

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